

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHESLEY R. MINCKS,

Defendant.

Case No. 19-MJ-02067DPR

MOTION FOR DETENTION

The United States of America, by and through its undersigned counsel, moves this Court to order the detention of the defendant, Chesley R. Mincks, and states the following in support of the motion:

1. This motion is being made prior to Mincks' first appearance before a judicial officer. A criminal complaint has been filed charging Mincks with being an unlawful user of a controlled substance, that is methamphetamine, in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(3) and 924(a)(2).

2. Title 18, United States Code, Section 3142(f) provides, in pertinent part, that a hearing must be held by the appropriate judicial officer to determine whether any condition or combination of conditions "will reasonably assure the appearance of such person as required and the safety of any other person and the community" if the attorney for the Government moves for such a hearing and the case involves:

“(E) any felony that is not otherwise a crime of violence that involves...the possession or use of a firearm....”

3. On or about August 5, 2019, Mincks possessed a firearm, that is, a Mossberg brand, 715T model, .22-caliber short-barreled rifle, bearing serial number EL13504231.

4. Mincks was contacted at a residence in Bolivar, Polk County, Western District of Missouri, by the Bolivar, Missouri Police Department, the Missouri State Highway Patrol Special Weapons and Tactics (MSHP SWAT), the United States Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and the Polk County, Missouri, Sheriff's Office for the execution of an arrest warrant for terroristic threats. The issuance of the arrest warrant was as a result of Mincks making homicidal and suicidal threats to others, including that he would go on a shooting rampage in Bolivar and that officers would have to remove him from the house in a "body bag." Further information was received that Mincks had a rifle with a "ballistic barrel" and a homemade explosive in his room. Mincks had to be compelled out of the residence by the use of CS gas.

5. MSHP SWAT recovered what is believed to be an improvised explosive device at the residence from Mincks' bedroom. Preliminary analysis at the scene concluded that the device had "energetic" material and contained finishing nails. The device has been sent off to the ATF crime lab for further analysis.

6. ATF agents recovered a backpack from Mincks' bedroom containing the short-barreled rifle previously described herein. Ten rounds of .22-caliber ammunition were loaded inside the attached magazine. ATF Special Agent (SA) Brian Fox determined the firearm was in interstate commerce and that the gun was also a "firearm" as described by 26 U.S.C. § 5845. Furthermore, the rifle's barrel measured less than 16 inches in length.

7. ATF agents also determined that Mincks is a habitual user of controlled substances, specifically methamphetamine, by speaking with friends, relatives, and Mincks' state probation officer. Shortly after being arrested for this incident, Mincks was drug tested as part of his probation with Missouri Division of Probation and Parole and determined to have both methamphetamine and marijuana in his system.

8. Mincks has a lengthy criminal history dating back only two years, and almost the entirety of it involves the unlawful use of controlled substances. Mincks was convicted of possession of marijuana in Polk County, Missouri, in June 2017, and was fined \$100 in case number 17PO-CR00304. In case number 18PO-CR00050, in February 2018, Mincks pleaded guilty to misdemeanor trespass and resisting arrest in Polk County, Missouri, and was given ten days in the Polk County Jail. Also in February 2018, in case numbers 17PO-CR00661-01 and 17PO-CR00691-01, Mincks pleaded guilty to two separate counts involving the felony possession of methamphetamine in Polk County, Missouri, and was given five years supervised probation in both cases; he was later given a 120-day “Court Ordered Detention Sanction” as a result of probation violations in June 2018.

9. Furthermore, Mincks is charged in case number 19PO-CR00007-01, currently pending in Polk County, with possession of a controlled substance, specifically methamphetamine.

10. Regarding Mincks’ risk of non-appearance, Mincks has failed to appear in Missouri state court three times.

11. In case number 18PO-CR00050, Mincks was personally served with a summons with a court date of January 31, 2018. Mincks failed to appear on that date and a warrant was issued for his arrest.

12. Additionally, in case number 19PO-CR00007-01, which is currently pending, Mincks appeared in court on April 29, 2019, was given a court date and ordered to appear on May 13, 2019. Mincks failed to appear on that date and a warrant was issued, which was ultimately served as a result of the arrest made in this matter in August 2019.

13. The United States submits that there is clear and convincing evidence that there are no conditions that the Court could place on Mincks’ release that would reasonably assure his

appearance in court and the safety of the community. *See* 18 U.S.C. § 3142(g)(1) nature and circumstances of the offense; (2) weight of the evidence; (3)(A) the defendant's character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, and record concerning appearance at court proceedings, and (B) whether the defendant was on probation/parole at the time of the offense; and (4) danger to the community or other persons. Because of this, the United States requests that a detention hearing be held and that Mincks be detained. *See generally, United States v. Sazenski*, 806 F.2d 846, 848 (8th Cir. 1986); *United States v. Warren*, 787 F.2d 1337, 1338 (8th Cir. 1986).

WHEREFORE, based on the foregoing, the United States requests that the Court hold a detention hearing in accordance with 18 U.S.C. § 3142(f), and following such hearing, order the detention of Mincks.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on August 20, 2019, to the CM-ECF system of the United States District Court for the Western District of Missouri for electronic delivery to all counsel of record.

/s/ Anthony M. Brown

ANTHONY M. BROWN

Special Assistant United States Attorney